

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JUAN GUAMAN,

Plaintiff,

-against-

MEMORANDUM AND ORDER

14-CV-4242 (FB) (RER)

KRILL CONTRACTING, INC.,
PATRICK KENNY, and JOHN DOE
CORPORATION,

Defendants.

-----X

Appearances:

For the Plaintiff:

FINN WALTER DUSENBERY
175 Varick Street
New York, NY 10014

BLOCK, Senior District Judge:

On May 20, 2015, Magistrate Judge Ramon E. Reyes issued a Report and Recommendation (“R&R”) recommending that default judgment be entered in favor of plaintiff Juan Guaman (“Guaman”) against defendants Krill Contracting, Inc. and Patrick Kenny (collectively, “Defaulting Defendants”) in the amount of \$63,014.19, consisting of \$25,650.00 in overtime wages, \$2,500 for Wage Theft Prevention Act violations, \$25,537.50 in liquidated damages, \$2,805.25 in attorneys’ fees, \$440 in costs, and pre-judgment interest of \$6,081.44, in addition to post-judgment interest calculated pursuant to 28 U.S.C. § 1961. R&R at 16. The R&R directed Guaman to

serve defendants with a copy of the R&R and stated that failure to object within fourteen days of receipt would preclude appellate review. *See id.* Defendants were served a copy of the R&R on May 20, 2015. *See* Docket Entry No. 18. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000)

Magistrate Judge Reyes’s R&R contains no error, let alone plain error. However, the pre-judgment interest calculation must be updated to account for the passage of time since the R&R was issued. From the date of the R&R to the date of this Order, the total amount of interest accrued is \$75.40. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment against Defaulting Defendants in favor of Guaman in the amount of \$63,089.89, in addition to post-judgment interest calculated pursuant to 28 U.S.C. § 1961.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
June 9, 2015